

FLORIDA HOUSE OF REPRESENTATIVES

BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: [CS/HB 755](#)

TITLE: Areas of Critical State Concern

SPONSOR(S): Mooney

Committee References

[Natural Resources & Disasters](#)

16 Y, 0 N, As CS

[Agriculture & Natural Resources](#)

[Budget](#)

14 Y, 0 N

[State Affairs](#)

SUMMARY

Effect of the Bill:

The bill exempts a person who enters into a formal contract with the state or other entities for construction of public buildings from executing the required payment and performance bond if certain conditions are met.

The bill extends the time period during which at least \$5 million of Florida Forever funding must be spent each fiscal year on land acquisition within the Florida Keys Area of Critical State Concern.

Fiscal or Economic Impact:

None.

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ANALYSIS

EFFECT OF THE BILL:

Payment and Performance Bonds

The bill exempts a person who enters into a formal contract with the state or any county, city, political subdivision, or other public authority or private entity for the construction, completion, or repair of public buildings or public works from executing the required payment and performance bond if the following conditions are met:

- The work is done on property located within an [area of critical state concern](#) that is subject to a long-term ground lease of 99 years or more with Habitat for Humanity International, Inc., or any of its local affiliates, at the discretion of the official or board that owns the subject underlying property in fee simple.
- The leasehold interest created by the ground lease of 99 years or more is subject to any claims by claimants who are lienors and applicable lien provisions. The underlying real property owned by the state, or any county, city, or political subdivision thereof, or other public authority is not subject to any lien rights established in ch. 713, F.S. (Section 1)

Florida Forever Funding

The bill extends the time period during which at least \$5 million of Florida Forever funding must be spent each fiscal year on land acquisition within the Florida Keys Area of Critical State Concern. Specifically, the bill requires such spending to continue through the 2035-2036 fiscal year, instead of ending after the 2026-2027 fiscal year. (Section 2)

The effective date of the bill is July 1, 2026. (Section 3)

STORAGE NAME: h0755c.ANR

DATE: 2/4/2026

RELEVANT INFORMATION

SUBJECT OVERVIEW:

Areas of Critical State Concern

The 1972 Florida Environmental Land and Water Management Act created the Areas of Critical State Concern (ACSC) Program.¹ The program's purpose is to protect resources and public facilities of major statewide significance, within designated geographic areas, from uncontrolled development that would cause substantial deterioration of such resources.² The ACSC designation denotes areas that contain natural resources of regional or statewide importance, areas that are or will be significantly affected by major public facilities, or areas of major development potential.³

Areas currently designated as ACSCs include the Big Cypress Area,⁴ the Green Swamp Area,⁵ the Florida Keys Area,⁶ the Brevard Barrier Island Area,⁷ and the Apalachicola Bay Area.⁸

Payment and Performance Bonds

A payment bond is a type of surety bond that generally guarantees that all subcontractors, laborers, and material suppliers will be paid for their work on or materials contributed to a construction project.⁹ Surety bonds form a three-part contract between the owner, the contractor, and the surety to ensure that liens are not filed on the property, serving as the security for payment in lieu of the typical right to claim a lien.¹⁰ The payment bond must be furnished in at least the amount of the original contract price before beginning the construction project, and a copy of the bond must be attached to a recorded notice of commencement.¹¹

A person who enters into a formal contract with the state or any public authority, or a private entity, for the construction of a public building, completion of a public work, or for repairs upon a public building or public work is required to execute and record a payment and performance bond with a surety insurer authorized to do business in the state as surety.¹² The payment and performance bond must be obtained before any work begins.¹³ A public entity cannot require a contractor to secure a surety bond from a specific agent or bonding company.¹⁴

Florida Forever Funding

The Florida Forever Program is the state's conservation and recreation lands acquisition program.¹⁵ Since 2001, the state has purchased more than one million acres of land for approximately \$3.8 billion.¹⁶ Florida Forever supports a wide range of goals, including water resource protection, coastal resiliency, preservation of cultural resources, public access to outdoor recreation, and the restoration and maintenance of public lands.¹⁷

¹ See [s. 380.012, F.S.](#)

² Florida Commerce, [Areas of Critical State Concern Program](#) (last visited Jan. 14, 2026). See also [s. 380.05, F.S.](#)

³ The Green Swamp, [History](#), (last visited Jan. 14, 2026).

⁴ [S. 380.055, F.S.](#)

⁵ [S. 380.0551, F.S.](#)

⁶ [S. 380.0552, F.S.](#)

⁷ [S. 380.0553, F.S.](#)

⁸ [S. 380.0555, F.S.](#)

⁹ [S. 713.23, F.S.](#)

¹⁰ See Florida Surety Association, [10 Things About Surety Bonds](#) (last visited Jan. 15, 2026) and AIA Contract Documents, [Surety Bonds: A Comprehensive Guide for Owners and Contractors](#) (last visited Jan. 15, 2026).

¹¹ [S. 713.23\(1\)\(a\), F.S.](#)

¹² [S. 255.05\(1\), F.S.](#)

¹³ [S. 255.05\(1\)\(b\), F.S.](#)

¹⁴ [S. 255.05\(1\), F.S.](#)

¹⁵ [S. 259.105, F.S.](#) Such acquisitions include less-than-fee agreements.

¹⁶ Department of Environmental Protection, [Florida Forever](#) (last visited Jan. 14, 2026).

¹⁷ See [s. 259.105\(2\)\(a\), F.S.](#)

In 1999, the Legislature created the Florida Forever Trust Fund to distribute state funds for land acquisition and conservation purposes.¹⁸ The Florida Forever Act establishes a statutory scheme for the distribution of funds from the Florida Forever Trust Fund.¹⁹ Current law provides that, beginning in the 2017-2018 fiscal year and continuing through the 2026-2027 fiscal year, at least \$5 million must be distributed to the Department of Environmental Protection (DEP) to be used for land acquisition within the Florida Keys Area of Critical State Concern each year.²⁰

RECENT LEGISLATION:

YEAR	BILL #/SUBJECT	HOUSE/SENATE SPONSOR(S)	OTHER INFORMATION
2025	CS/CS/HB 995 - Areas of Critical State Concern	Mooney	Passed in House, but did not pass in Senate.
2024	CS/CS/SB 1456 - Counties Designated as Areas of Critical State Concern	Mooney/ Rodriguez	The bill became law on July 1, 2024.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Natural Resources & Disasters Subcommittee	16 Y, 0 N, As CS	1/20/2026	Skinner	Jones
THE CHANGES ADOPTED BY THE COMMITTEE:		Removed the bill's changes to the conditions that portions of property in a multifamily project must meet in order to be considered property used for a charitable purpose and therefore eligible to receive an ad valorem property tax exemption.		
Agriculture & Natural Resources Budget Subcommittee	14 Y, 0 N	2/4/2026	Topp	Perez
State Affairs Committee				

THIS BILL ANALYSIS HAS BEEN UPDATED TO INCORPORATE ALL OF THE CHANGES DESCRIBED ABOVE.

¹⁸ [S. 259.105\(3\), F.S.](#); [s. 259.1051, F.S.](#)

¹⁹ See [s. 259.105, F.S.](#) and [s. 259.105\(3\)\(b\), F.S.](#)

²⁰ [S. 259.105\(3\)\(b\), F.S.](#)